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JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

KATHERINE J. WEALL
Senior Counsel
phone: (212) 356-5055
fax: (212) 356-3509
kweall@law.nyc.gov

February 6, 2020

BY ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Darwin Columna v. Gomez et al.
19 CV 03801 (MKV) (SDA)

Your Honor:

I am Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York assigned to represent defendants the City of New York, Police Officers Genner Gomez and Pedro Romero, Sergeant Josue Perez and Detective Pedro Roche in the above-referenced matter. Defendants write to respectfully request that Your Honor enter the attached Confidentiality Agreement and Protective Order (the "Proposed Order").

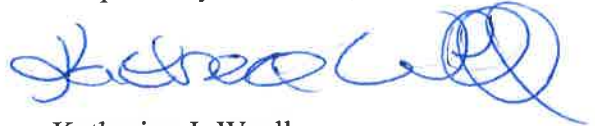
By way of background, plaintiff, who is proceeding *pro se*, commenced this action seeking monetary damages for an alleged incident involving members of the NYPD. The Amended Complaint alleges that, on April 16, 2016, Officers Genner Gomez and Pedro Romero, Sergeant Josue Perez, and Detective Pedro Roche, along with other officers at that time unknown to Plaintiff, falsely arrested and searched Plaintiff for possession of illegal substances, (See Amended Complaint, ECF No. 19, ¶ 5). The Complaint further alleges that plaintiff was subjected to an excessive use of force. (See Amended Complaint, ECF No. 19, ¶¶ 25-26). Defendants recently requested leave to move to partially dismiss the Amended Complaint; no pre-motion conference has yet been scheduled.

I have emailed Mr. Columna three times – on January 14th, 24th, and 29th – explaining that I have a large number of pages of confidential documents to produce to him and that he must execute and return the Proposed Order before I can release those documents to him. I know he has received at least one of those emails, which also requested his availability for a deposition, as I have just today received notice that he has obtained limited pro-bono counsel to represent him for the purpose of deposition. I have not, however, heard from plaintiff at all since the week of January 6, 2020, and he has failed to return the executed Proposed Order to me.

As there are now fewer than 45 days before the close of discovery in this case, it is imperative that defendants be able to make a full production of documents to plaintiff as soon as possible. Defendants therefore respectfully request that Your Honor "so order" the attached Proposed Protective Order which is based on Judge Gardephe's standard protective order.

Defendants thank the Court for its time and consideration in this matter.

Respectfully submitted,



Katherine J. Weall
Senior Counsel
Special Federal Litigation Division

cc: Darwin Columna (Via email and U.S. Mail)
Plaintiff pro se
2276 Sedgwick Avenue, Apt. #2
New York, New York 10468

-and-

Mark J. Abate (Via ECF)
Jacqueline Genovese Bova (Via ECF)
James Breen (Via ECF)
Goodwin Procter LLP

ENDORSEMENT: Having reviewed the proposed protective order, the Court finds that it does not comport with the circumstances of this case, as the parties are not jointly requesting the order and it has not been reviewed by counsel for Plaintiff. Moreover, the proposed order includes several references to Judge Gardephe's Individual Practices, though he is no longer the presiding Judge. It is hereby Ordered that, no later than Friday, February 14, 2020, Defendant shall file a revised protective order for approval.

SO ORDERED.

Dated: February 7, 2020

